

FACT SHEET

PROPOSED OPERATING LICENSE

**US LIQUIDS OF DETROIT, INC.
Detroit, Michigan
MID 980 991 566**

September 24, 2003



**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WASTE AND HAZARDOUS MATERIALS DIVISION**

Introduction

The Michigan Department of Environmental Quality (MDEQ) proposes to issue a hazardous waste management operating license for the continued operation of the US Liquids of Detroit, Inc. (USL) facility based on the following:

- I. The application submitted by USL is sufficiently detailed for the MDEQ to evaluate the facility and its impact on human health and the environment.
- II. The facility satisfies all of the applicable technical requirements under Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451).
- III. The issuance of the operating license will minimize the potential for this facility to present a hazard to human health or the environment during operation.
- IV. USL has obtained all other environmental permits necessary for operation of the facility.

Simultaneously, the United States Environmental Protection Agency (U.S. EPA) proposes to issue USL a federal permit pursuant to the federal Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA).

Prior to making the final decision, the MDEQ and the U.S. EPA are required to provide a fact sheet on the draft operating license and permit. The fact sheet must contain a brief description of the facility and activity subject to the operating license and permit, the types and quantities of hazardous wastes that will be managed, reasons why any requested variance or alternatives to minimum standards do or do not apply, and a description of the procedures for reaching a final decision, including: the beginning and end dates for public comment and the address where comments will be received; procedures for requesting a hearing and the nature of the hearing; other procedures by which the public may participate in the final decision; and the name and telephone number of the persons to contact for more information. This fact sheet contains all of the required information, plus additional information regarding the hazardous waste management program and the review of the USL project.

Table of Contents

Background	1
Operating License Process	1
US Liquids of Detroit, Inc. Facility	2
Facility Description	2
Facility Location	2
Regulatory Status	2
Environmental Permits	2
Operating License Application	3
MDEQ Review	3
Draft Operating License	3
Authorized Capacities and Activities	4
Authorized Hazardous Wastes	4
Variances or Alternatives to Minimum Standards	4
Environmental Monitoring	4
Facility-Specific Conditions	5
Federal Requirements	6
Public Participation	6
Public Comment Procedures	6
Locations of Available Information	7
Contact Persons	7

Background

The management of hazardous waste in Michigan is regulated under Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), and its administrative rules, MAC R 299.9101 *et seq.* In addition, the management of hazardous waste in Michigan and nationwide is regulated under Subtitle C of the federal Solid Waste Disposal Act, as amended, 42 USC 6901 *et seq.*, which is commonly known as the Resource Conservation and Recovery Act of 1976 (RCRA). The RCRA was amended substantially by the Hazardous and Solid Waste Amendments of 1984 (HSWA).

Under the RCRA, a state may obtain authorization to administer its program in lieu of the federal program. Michigan amended its hazardous waste management administrative rules in 1985 to be equivalent to those under the RCRA. Michigan then became authorized in October 1986 to administer the portions of the federal program that were duplicated by the state program. Since that time, Michigan has continued to amend its administrative rules to stay as stringent as those rules under the RCRA.

Both the RCRA and Part 111 of Act 451 establish a permit system governing the treatment, storage, and disposal of hazardous wastes. Because Michigan is authorized, a state operating license is issued to existing facilities in lieu of a federal permit. In circumstances where Michigan does not yet have equivalent administrative rules or authorization to implement new federal requirements, a federal permit – narrow in scope - may also be required to enforce those portions of the federal program that are not covered by the state operating license.

Operating License Process

An owner or operator who is conducting an activity prior to the effective date of rules that subject it to the licensing requirements is allowed to continue that activity under “interim status” until the MDEQ makes a final determination on an operating license for the facility. Continued operation then becomes subject to the terms and conditions of an operating license. If the operating license is denied, the activity must cease.

The licensing process begins when the MDEQ calls in the operating license application. When the application is submitted, the MDEQ reviews the application to ensure that it is administratively complete. After the MDEQ determines that the application is complete, the MDEQ reviews the application for technical adequacy. The MDEQ notifies the applicant of any deficiencies and the applicant is required to submit revisions to the application to correct them. The application requirements and processing procedures are explained more fully in R 299.9508 and R 299.9510.

Before making a final decision on the operating license application, the MDEQ must prepare a fact sheet and a draft operating license or basis for denial. The MDEQ must also conduct a public hearing on the draft decision and allow an opportunity for persons to submit written comments as well. After the close of the comment period, the MDEQ must prepare a responsiveness summary to all relevant comments and render a final decision. These public participation requirements are explained more fully in R 299.9511.

US Liquids of Detroit, Inc. (USL) Facility

Description of Facility

USL operates a commercial hazardous waste storage and treatment facility. The facility accepts hazardous wastewaters, sludges, and solids from industry. The wastes are hazardous because they are corrosive (acidic or basic), ignitable (low flashpoint), reactive (limited cyanide or sulfide content), or because they contain toxic contaminants (heavy metals or chemicals). The wastewaters are treated in tanks to neutralize them and to reduce the concentrations of contaminants prior to discharge to the sewer system. Sludges, solids, and some wastewaters are solidified in tanks and then disposed offsite in landfills. The facility also manages certain nonhazardous wastes (liquid industrial wastewaters, used oils, and solid wastes).

Location

The facility is located at 1923 Frederick Street in Detroit, Michigan, Wayne County. The 12 acre site is near the intersection of Interstates 75 and 94; it is bordered on the north by Ferry Street, on the east by St. Aubin Avenue, on the south by Farnsworth Avenue, and on the west by the Grand Trunk & Western Railroad.

Regulatory Status

USL obtained interim status to continue to store and treat the toxicity characteristic wastes that became regulated under the RCRA in 1990. After Michigan adopted the toxicity characteristic wastes in 1994, USL obtained authorization under Part 111 of Act 451 to continue to store and treat those wastes and other hazardous wastes until a final determination is made on a hazardous waste management operating license for the facility.

Environmental Permits

In addition to the hazardous waste management operating license, the facility requires other environmental permits. All other required environmental permits have been obtained and include: a Solid Waste Processing Plant Operating License from the MDEQ; Air Use Installation Permits from Wayne County (now administered by the MDEQ); and a Type 3 Wastewater Discharge Permit from the City of Detroit.

Operating License Application

USL submitted its hazardous waste management operating license application on September 29, 1999. The application covers the container storage areas and tank systems for the storage and treatment of hazardous wastes; it covers all aspects of the facility location, design, and hazardous waste management operations.

MDEQ Review

The MDEQ reviewed the application and determined that it was incomplete on October 6, 1999. USL submitted revisions to the application on December 6, 1999. On December 22, 1999, the MDEQ determined that the application was administratively complete. USL revised the application further based on the MDEQ's preliminary technical comments of March 7, 2000, and the MDEQ's Technical Review Notice of Deficiency of May 29, 2002. Subsequent revisions to the application demonstrate that the facility satisfies the applicable technical requirements under Part 111 of Act 451. The MDEQ is therefore required to prepare a draft operating license for the facility.

Draft Operating License

The requirements for the content of operating licenses are contained in R 299.9516 and R 299.9521. The MDEQ has prepared a draft operating license to satisfy those requirements. The draft operating license is organized in seven parts:

- I. Standard Conditions
- II. General Operating Conditions
- III. Container Storage Conditions
- IV. Tank System Storage and Treatment Conditions
- V. Environmental Monitoring Conditions
- VI. Corrective Action Conditions
- VII. Schedule of Compliance

In addition, the following components of the application are incorporated as attachments to the operating license:

1. Waste Analysis Plan
2. Inspection Schedule
3. Training Outline
4. Contingency Plan
5. Closure Plan
6. Engineering Plans and Specifications
7. List of Acceptable Hazardous Wastes
8. Procedures to Prevent Hazards

9. Tank Overfill Protection and Procedures
10. Treatment Methods
11. Ambient Air Monitoring Program

Authorized Capacities and Activities

The draft operating license authorizes the storage of up to 614,110 gallons of hazardous wastes in containers and 1,552,531 gallons of hazardous waste in tanks.

In addition, the draft operating license authorizes the treatment of up to 675,000 gallons per day of hazardous wastes by biological wastewater treatment processes, 300 tons per hour by chemical fixation processes, and 432,000 gallons per day by chemical wastewater treatment processes. The treatment methods include: activated sludge; stabilization and solidification; neutralization; oxidation, reduction, and precipitation; and activated carbon adsorption.

Treated wastewaters are discharged to the sewer, and stabilized and solidified wastes are disposed offsite at licensed solid waste and hazardous waste landfills.

The license also authorizes USL to bulk and consolidate hazardous wastes in tanks and containers for subsequent shipment offsite to other facilities.

Authorized Hazardous Wastes

The operating license authorizes the storage and treatment of a variety of solid and liquid wastes which are hazardous due to their corrosive, ignitable, reactive, or toxic characteristics. Wastes that are prohibited include those containing regulated concentrations of polychlorinated biphenyls, explosive wastes, and wastes that could generate toxic fumes during treatment.

Variances or Alternatives to Minimum Standards

Except for waivers of certain environmental monitoring requirements as explained in this Fact Sheet, USL did not request, and the draft operating license does not authorize, any variances or alternatives to the minimum design, construction, or operating standards under Part 111 of Act 451.

Environmental Monitoring

Under R 299.9611, an owner or operator must conduct an environmental monitoring program that is capable of detecting a release of hazardous wastes or hazardous waste constituents from the facility. These requirements can be waived based on the design and operation of the facility, its location, and the hydrogeological characteristics of the site.

In its application, USL requested a waiver of the soil monitoring requirements under R 299.9611(2)(d). As explained in the application, there are no exposed soils on the active portion of the facility, and USL is required to conduct regular

inspections and repairs of cracks and gaps in the concrete pavement that could be a potential pathway for contaminants to reach underlying soils. In accordance with R 299.9611(4), the draft operating license does not contain a soil monitoring program based on this demonstration that soil monitoring is not required.

USL also requested a waiver of the groundwater monitoring requirements under R 299.9611(2)(b). As explained in the application, given the design of the facility and hydrogeology of the site, there is no potential for migration of liquid from the facility to the uppermost aquifer during the active life of the facility and any post-closure care period that may be required. In accordance with R 299.9611(3)(b), the draft operating license does not contain a groundwater monitoring program based on this demonstration that groundwater monitoring is not required.

The draft operating license requires USL to conduct an ambient air monitoring program to detect violations of Part 55, Air Pollution Control, of Act 451.

The draft operating license also requires USL to monitor the treated effluent wastewaters in accordance with the requirements of its City of Detroit Water and Sewerage Department Wastewater Discharge Permit.

Facility-Specific Conditions

In addition to the standard or “boilerplate” conditions typical of all operating licenses, the draft operating license contains several facility-specific conditions as follows:

1. Condition II.U requires USL to develop and maintain a program to prevent vehicles and equipment from tracking out hazardous waste from the facility and to keep the affected areas clean.
2. Condition IV.F.5 prohibits USL from managing hazardous wastes in the existing 600 Series tanks. These tanks for flammable and combustible liquids have been out of service because they have not yet been upgraded to current standards. USL intends to replace them with new tanks that comply with all current technical standards under Part 111 of Act 415 and Michigan’s Flammable and Combustible Liquids Rules.
3. Condition IV.I requires USL to maintain the air emissions control system for the Chemical Fixation Building to ensure that all dusts and other airborne contaminants generated during the treatment process are not released to the atmosphere.
4. Part VII establishes a schedule of compliance which requires USL to complete several routine and minor repairs and upgrades to the container storage and tank system secondary containment structures. Part VII also authorizes substantial modifications to the facility as follows:
 - a. Replacing and upgrading existing tank systems.

- b. Shifting capacity from tanks that have been taken out of service to container storage areas.
- c. Adding secondary and tertiary wastewater treatment tanks so the facility can meet the more-stringent sewer discharge limits scheduled to take effect next year.

These modifications do not represent an alteration of the authorized processes or an increase beyond the authorized capacities for the facility; they represent requirements that USL must satisfy if it wants to retain its current authorization for those processes and capacities.

Draft Federal Permit

Several hazardous waste codes have been added to the federal RCRA regulations within the past few years. USL has applied to manage these newly-listed wastes. The MDEQ has not yet adopted these newly-listed wastes and it has not been authorized to regulate them in lieu of the U.S. EPA. Therefore, USL needs a RCRA permit to continue to manage these newly-listed wastes. The U.S. EPA has drafted a permit for consideration and issuance concurrent with the state operating license.

Public Participation

The purpose of public participation is to ensure that the public has knowledge of the MDEQ's and the U.S. EPA's proposed action, and that the public has an opportunity to comment on that action. In addition, the process ensures that the MDEQ and the U.S. EPA have the opportunity to benefit from any information that the public might have relative to the proposed action.

Public Comment Procedures

Comments may be submitted in writing to the contact person identified below between now and November 14, 2003. Comments may also be presented at the public hearing. The public comment and public hearing procedures are in accordance with R 299.9514 and R 299.9515.

The public hearing on the draft operating license will be held on Thursday, October 30, 2003 in Room L-500 of Cadillac Place, 3058 West Grand Boulevard, Detroit, Michigan, starting at 7:00 p.m. and continuing until all persons have had an opportunity to present their comments for the record. All persons that intend to speak at the public hearing must register by 7:30 p.m. Persons with disabilities needing accommodations for effective participation in this hearing should contact Mr. Steve Sliver at the address below, or at 517-373-1976, at least a week in advance of the hearing to request mobility, visual, hearing, or other assistance.

After the close of the public comment period, the MDEQ will decide whether to issue the operating license. The Chief of the Waste and Hazardous Materials Division will consider the written comments submitted during the public comment period and the oral testimony presented at the public hearing. Responses to all relevant comments will be included in the administrative record supporting the final decision. The final decision will be communicated to the applicant, to each person who commented during the public comment period, and to each person on the facility mailing list.

Locations of Available Information

The draft operating license, RCRA permit, and the application may be reviewed in the Sociology and Economics Department of the Detroit Public Library located at 5201 Woodward Avenue, Detroit, Michigan; at the MDEQ Detroit Office located at Cadillac Place, 3058 West Grand Boulevard, Suite 2-300, Detroit, Michigan (contact Ms. Jeanette Noechel at 313-456-4664); at the MDEQ Waste and Hazardous Materials Division Office located at Constitution Hall, Atrium North, 525 West Allegan Street, Lansing, Michigan (contact Mr. Steve Sliver at 517-373-1976); and at the U.S. EPA Region 5 Office, Waste Management Branch, 77 West Jackson Boulevard, Chicago, Illinois (contact Mr. John Gaitskill at 312-886-6795). The U.S. EPA also has information available on the Internet at <http://www.epa.gov/reg5rcra/wptdiv/permits/index.htm>.

Contact Persons

Comments and requests regarding the Part 111 of Act 451 draft operating license must be addressed to:

Mr. Steve Sliver
Waste and Hazardous Materials Division
Department of Environmental Quality
P.O. Box 30241
Lansing, Michigan 48909-7741

Mr. Sliver can also be contacted by telephone at 517-373-1976, and by e-mail at slivers@michigan.gov.

Comments and requests regarding the RCRA permit must be addressed to:

Mr. John Gaitskill DW-8J
U.S. EPA Region 5
Waste Management Branch
77 West Jackson Boulevard
Chicago, Illinois 60604

Mr. Gaitskill can also be contacted by telephone at 312-886-6795, and by e-mail at gaitskill.john@epamail.epa.gov.